



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
[www.ladpw.org](http://www.ladpw.org)

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

August 26, 2004

IN REPLY PLEASE

REFER TO FILE: **MP-5**

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF INTENTION TO VACATE  
A PORTION OF CANON DRIVE - SAN PEDRO  
FUTURE PUBLIC HEARING  
SUPERVISORIAL DISTRICT 4  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the enclosed Resolution of Intention to Vacate, with reservations, a portion of Canon Drive, west of Bandini Street and north of 6th Street, in unincorporated County area in the vicinity of San Pedro, pursuant to Section 8320, et seq., of the California Streets and Highways Code.
2. Set the matter for hearing not less than 15 days from the adoption of the Resolution pursuant to Section 8320 of the California Streets and Highways Code.
3. Instruct the Executive Officer of the Board to publish the enclosed Notice of Proposed Vacation pursuant to Section 8322 of the California Streets and Highways Code.

**AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:**

Adopt the enclosed Resolution to Vacate with Reservations on the date of the hearing, pursuant to Section 8324 of the California Streets and Highways Code, after finding that:

1. The vacation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. The area proposed to be vacated is no longer needed for present or prospective public use, and is not useful as nonmotorized transportation facilities.
3. The public convenience and necessity require the reservation and exception of easements and rights as set forth in Section 8340 of the California Streets and Highways Code.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Private Capital Realty Advisors, Inc., on behalf of the Malloy Family Partners, L.P., the underlying fee owner, initiated the vacation of a portion of Canon Drive in order to remove from the record all public easement rights in the proposed vacation area.

Canon Drive, located in a ravine approximately 40 feet below ground level of 6th Street, is a natural drainage course that is impractical to build as a public road. Easements for storm drain and slope purposes will be reserved to mitigate drainage problems should the applicant be allowed to develop the property in the future. The unimproved road is an eyesore in the community that requires periodic maintenance due to overgrown vegetation, weeds, and illegal dumping. The presence of the deep ravine in its state of condition reduces the market value of the residences in the immediate area.

Vacation and abandonment of a portion of Canon Drive will not eliminate access to any adjacent properties or negatively impact the property of others. The vacation will not result in an immediate approval of any improvements proposed for the area by the applicant, but will cause to end County liability over the street right of way. The vacation also allows Public Works to divest itself of unnecessary and excess right of way. It is in the County's interest to vacate the right of way since it no longer serves the purpose for which it was dedicated nor is it required for general public access, circulation, or for bicycle paths and trails.

#### **Implementation of Strategic Plan Goals**

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the right of way will result in added revenue through assessment and taxation, eliminates unnecessary maintenance costs, and removes possible County exposure to liability.

### **FISCAL IMPACT/FINANCING**

Vacation of a portion of Canon Drive will not have a negative fiscal impact on the County's budget. A fee of \$2,000 has been paid by the petitioners to defray the expenses of investigation, mailings, publication, and posting. The fee is authorized by your Board in Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The area to be vacated contains approximately 16,102 square feet and is shown on the map attached to each Resolution. The County's interest was acquired as an easement for road and highway purposes in Tract No. 6689, recorded in Book 97, pages 98 and 99, of Maps, in the County of Los Angeles Office of the Recorder.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to voluntarily relinquish the County's interest and terminate the public's right over a street or highway. Adoption by your Board of Public Works' recommendation terminates the rights of the public to the vacated area and disposes of excess County right of way. Your action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owners to exercise their reversionary rights over the vacated area.

We received a written protest from Mr. Richard Alvarez, one of the property owners adjoining the proposed vacation area. We met with Mr. Alvarez and the applicant to try to resolve his issues. After concluding these discussions, Mr. Alvarez indicated he would not protest the proposed vacation.

### **ENVIRONMENTAL DOCUMENTATION**

With respect to the requirements of CEQA, this proposed vacation is categorically exempt as specified in Classes 4, 5, 12, and 21 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, and Sections 15304, 15305, 15312, and 15321 of State CEQA Statutes and Guidelines.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The County of Los Angeles Fire Department has found that no fire protection facilities will be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation of a portion of Canon Drive is not in conflict with the County-adopted General Plan. Easements for drainage and slope purposes will be reserved to the County of Los Angeles.

The Honorable Board of Supervisors  
August 26, 2004  
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## **CONCLUSION**

This action is in the County's best interest. Enclosed are a Resolution of Intention and a Resolution to Vacate with Reservations, approved as to form by County Counsel, vacating a portion of Canon Drive. Upon adoption of the Resolution of Intention, please transmit two conformed copies of the Resolution and the Notice of Proposed Vacation to Public Works, which will post the Notices pursuant to California Streets and Highways Code Section 8323. Upon adoption of the Resolution to Vacate with Reservations, please return one executed original, together with two conformed copies and a copy of the Board's minute order, for further processing. Public Works will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed original for your files.

One approved copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE  
Interim Director of Public Works

CVC:psr  
P5:\BD LTR CANON DR

Enc.

## RESOLUTION OF INTENTION TO VACATE

WHEREAS, it is proposed that a portion of Canon Drive, west of Bandini Street and north of 6th Street, 50 feet in width, vicinity of San Pedro, in the unincorporated area of the County of Los Angeles, State of California, be vacated as a public highway; and

WHEREAS, the proposed vacation has been approved by the Director of the County of Los Angeles Department of Public Works;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California, that it is the intention of said Board of Supervisors to order that the aforementioned right of way (easement) legally described in Exhibit "A" and as shown by the map in Exhibit "B" both attached hereto and incorporated herein by this reference covering the right of way in the County of Los Angeles, State of California, be vacated, pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code of the State of California, commencing with Section 8320;

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ a.m./p.m. of said day, is the day and hour, and the Hearing Room of the Board of Supervisors, Room 381 Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California, 90012, is the place fixed by the Board of Supervisors when and where any and all persons having objections to the proposed vacation may appear before the said Board of Supervisors and show cause why said proposed vacation should not be made in accordance with this Resolution.

IT IS FURTHER ORDERED that notices of such proposed vacation to be conspicuously posted, along the lines of the area proposed to be vacated in the manner and in the form required by law, and shall cause same to be published in a newspaper of general circulation published in the County, for at least two successive weeks prior to the day fixed for the hearing.

The foregoing Resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, adopted and ordered by the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM

OFFICE OF THE COUNTY COUNSEL

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Deputy

**NOTICE OF PROPOSED VACATION OF  
A PORTION OF CANON DRIVE IN THE  
VICINITY OF SAN PEDRO, IN THE  
FOURTH SUPERVISORIAL DISTRICT**

**NOTICE IS HEREBY GIVEN** that a Resolution of Intention was adopted by the Board of Supervisors of the County of Los Angeles on \_\_\_\_\_, 20\_\_\_\_, declaring its intention to vacate, with reservations, a portion of Canon Drive, west of Bandini Street and north of 6th Street (San Pedro, CA, 90732), in the unincorporated portion of the County of Los Angeles, State of California, in the Fourth Supervisorial District, as described in Exhibit "A" and as shown by the map in Exhibit "B" both attached hereto and incorporated herein by this reference.

The vacation proceeding is conducted pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code, of the State of California, commencing with Section 8320.

A hearing on the proposed vacation will be held in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California, 90012, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

By order of the Board of Supervisors of the County of Los Angeles, State of California, adopted \_\_\_\_\_, 20\_\_\_\_.

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Deputy

## RESOLUTION TO VACATE WITH RESERVATIONS

WHEREAS, the Board of Supervisors of the County of Los Angeles, State of California, did on \_\_\_\_\_, 20\_\_\_\_, adopt the Resolution of Intention to Vacate as a public Highway a portion of Canon Drive, west of Bandini Street and north of 6th Street, vicinity of San Pedro, in the County of Los Angeles, State of California, legally described in Exhibit "A" and shown by map in Exhibit "B" both attached to said Resolution; pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code of the State of California commencing with Section 8320; and

WHEREAS, pursuant to said Resolution, notice of proposed vacation has been given by publication and by posting; and

WHEREAS, said Board of Supervisors held a public hearing on said proposed vacation \_\_\_\_\_, 20\_\_\_\_; and

WHEREAS, said Board of Supervisors has found and determined that, the area to be vacated is no longer necessary for present or prospective public use based upon the following facts: That the subject right of way is not required for general public access and circulation, including bicycle paths and trails;

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, that the above-referenced right of way is hereby vacated pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code, State of California, commencing with Section 8320; reserving and excepting therefrom easements for drainage and slope purposes in favor of the County of Los Angeles as set forth in Sections 8340 and 8341 of said Streets and Highways Code;

BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the Office of the Recorder of the County of Los Angeles, at which time the area vacated will no longer be a public street or highway.

The foregoing Resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, adopted by the Board of Supervisors of the County of Los Angeles, State of California.

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Deputy

**CAÑON DRIVE  
AMB 7452-024 & 025  
T.G. 824 A/5  
I.M. 009-177  
S.D. 4  
M0388106**

**EXHIBIT "A"**

**Legal Description**

That certain portion of CAÑON DRIVE, 50 feet wide and variable, as shown on and dedicated to the public by TRACT NO. 6689, as shown on map recorded in Book 97, pages 98 and 99, of Maps, in the office of the Recorder of the County of Los Angeles, within the following described boundaries:

Bounded on the east by a line beginning at the northwesterly corner of Lot 9, of said tract; thence northwesterly in a direct line to a point in the northerly line of said CAÑON DRIVE, said point also being the intersection of said northerly line with a line parallel with and 7.5 feet northwesterly, measured at right angles, from a line having a bearing and length of South 29°29' West 30 feet in the southeasterly boundary of Lot 23, TRACT NO. 7058, as shown on map recorded in Book 112, pages 52 and 53, of Maps, in the office of said Recorder, and bounded on the south by a line parallel with and 30 feet northerly, measured at right angles, from the center line of SIXTH STREET as shown in County Surveyor's Map No. B-1225, on file in the office of the Director of the Department of Public Works, of said County.

RESERVING to the County of Los Angeles an easement for slope purposes over the southerly 20 feet thereof.

ALSO RESERVING to the County of Los Angeles an easement for storm drain purposes over a strip of land 20 feet wide, within the above-described portion of CAÑON DRIVE herein being vacated, lying 10 feet on each side of the following described center line:



A line parallel with and 25 feet northwesterly, measured at right angles, from the southeasterly line of above-described CAÑON DRIVE, as shown on said Tract 6689. The side lines of above-described 20-foot-wide strip of land shall be prolonged or shortened so as to terminate at their points of intersection.

Containing: 16,102± square feet

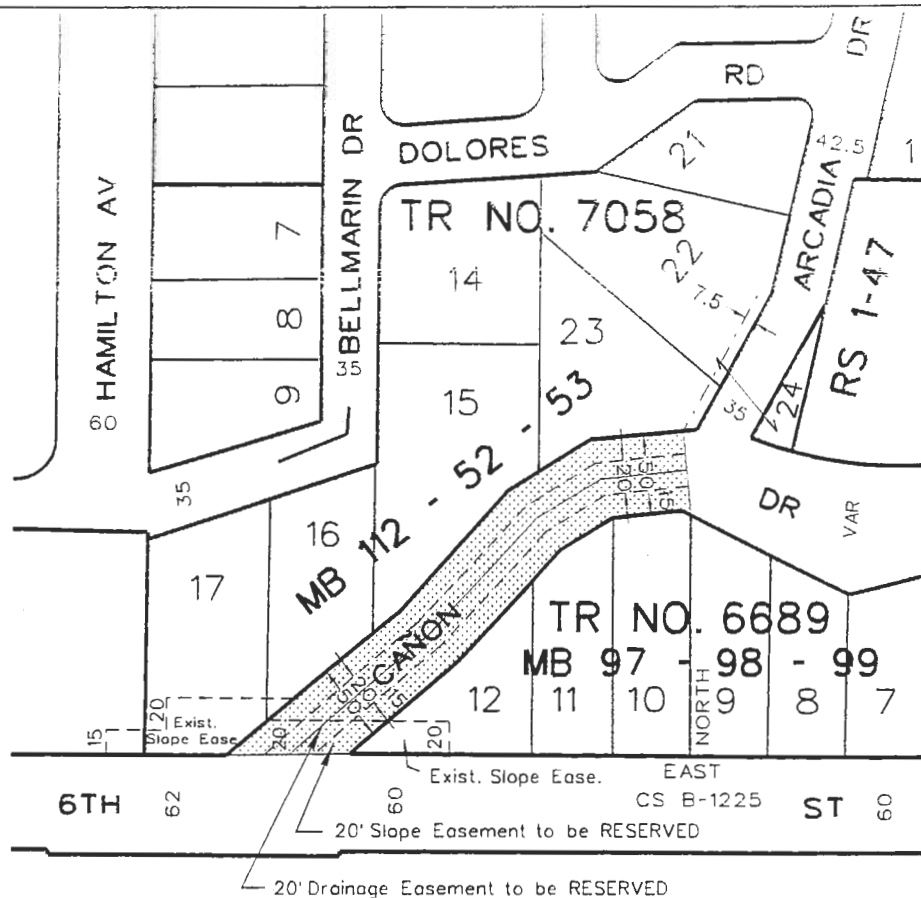
Description Approved

DONALD L. WOLFE  
Interim Director of Public Works

By \_\_\_\_\_  
Deputy

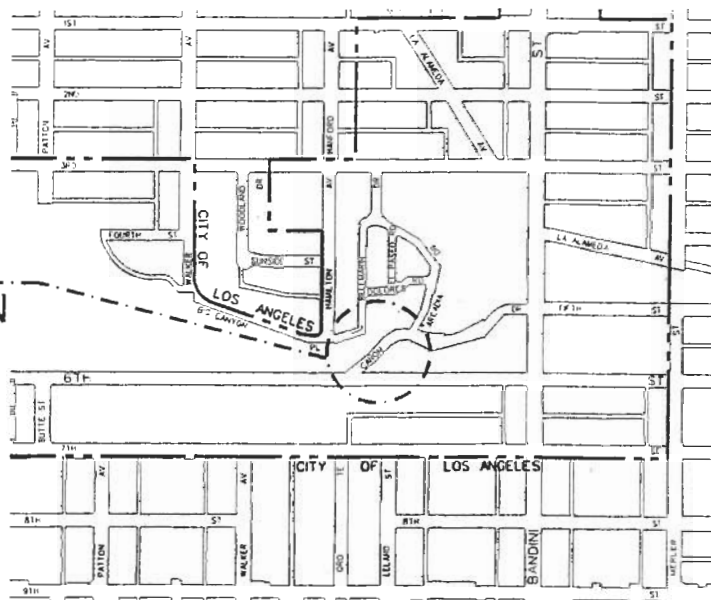
This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the Land Surveyors Act.

RVM:bw  
P5:143C



## EXHIBIT "B"

SUBJECT  
LOCATION



Applicant:  
Malloy Family Partners

LEGEND				REVISIONS		
PROPOSED VACATION 16,102± S.F.				1.	2.	3.
DEPARTMENT OF PUBLIC WORKS				MAPPING & PROPERTY MANAGEMENT DIVISION		
S.D. 4	R.D. 432	A.M.B. 7452-024 & 025	T.G. 824 A/5	CAÑON DRIVE W/O BANDINI STREET & N/O 6TH STREET		DRAWING NO.  M0388106
SCALE NONE		DATE 11/02/02	I.M. 29 A/2 (009-177)			